

Chairman Lowell Johnson called the regularly scheduled meeting to order at 10:02 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published April 18, 2006 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held April 25, 2006 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, April 25, 2006:

- NUSF-7.07 Commission Library, Lincoln. Planning Conference.
1:00 In the Matter of Qwest Corporation, Omaha, seeking issuance of an order waiving certain requirements in the opinion and findings in Application C-1628/NUSF, associated with the NUSF support calculation in the transition period. Commissioner Landis presiding as Hearing Officer.
- NUSF-54 Commission Hearing Room, Lincoln.
1:30 In the Matter of Jeffrey L. Pursley, Director, Universal Service Fund Department, Complainant, v. Business Options, Inc., Respondent. Commissioner Rod Johnson presiding as Hearing Officer.

Monday, May 1, 2006:

- E911 Commission Library, Lincoln.
9:00 Wireless E911 Advisory Board meeting.

COMMUNICATIONS DEPARTMENT

- AD-344 In the Matter of the CBE Group, Inc., Waterloo, Iowa, seeking authority to connect an automatic dialing-announcing device at the Waterloo, Iowa location: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.
- AD-345 In the Matter of the CBE Group, Inc., Waterloo, Iowa, seeking authority to connect an automatic dialing-announcing device at the West Des Moines, Iowa location: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3049 In the Matter of the Commission, on its own motion, seeking to conduct an investigation into possible solutions for extending the life of area codes 308 and 402. Commissioner Frank Landis presiding as Hearing Officer: Gene Hand informed the Commission that a Hearing Officer order was entered on March 28, 2006, continuing the hearing previously scheduled for May 16, 2006, to June 1, 2006, at 10:00 a.m. in the Commission Hearing Room, Lincoln, and to revise appendices.

WC Docket In the Matter of Time Warner Cable, Lincoln, seeking a No. 06-55 Declaratory Ruling that Competitive Local Exchange Carriers may obtain interconnection under section 251 of The Communications Act of 1934, as amended, to provide wholesale telecommunications services to VoIP providers: Shana Knutson sought further input on draft comments to be filed with the Federal Communications Commission (FCC) today.

E-2108 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Dakota County: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Gene Hand informed the Commission that the Nebraska Internet Enhancement Fund Advisory Board Meeting is scheduled for May 17, 2006, at 3:30 p.m. in the Commission Library, Lincoln, with video sites available at McMillen Hall, Room 208, 1205 East 3rd Street, McCook, and Chadron State College, Student Center, Scottsbluff Room, 10th & Main, Chadron.

UNIVERSAL SERVICE FUND

NUSF-26 In the Matter of the Commission, on its own motion, seeking to establish a long-term universal service funding mechanism. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order scheduling a hearing on a requested revision to the tele-health plan for May 15, 2006, at 2:00 pm in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

UNIVERSAL SERVICE FUND (Cont.)

NUSF-26 In the Matter of the Commission, on its own motion, seeking to establish a long-term universal service funding mechanism. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to accept alternative verifications from telecommunications carriers providing service to telehealth network hospitals, when actual bills are not available for telehealth reimbursement, and to seek an opinion from the State Auditor regarding the acceptance of such information. Motion passed with Commissioners Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioners Anne Boyle and Jerry Vap voting NAY.

In the Matter of Jeff Pursley, Director, Universal Service Fund, seeking Commission approval of revenue adjustments as a result of the 2004 Remittance Worksheet audit findings, and as outlined in NUSF Rule and Regulation 003.04B, for the following companies:

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to grant approval of revenue adjustments and a surcharge credit to Cricket Communications/Leap Wireless, San Diego, California, in the amount of \$12,624.65. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to grant approval of revenue adjustments and a surcharge credit to Evercom, Dallas, Texas, in the amount of \$15,861.83. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to grant approval of revenue adjustments and a surcharge credit to VarTec Telecom, Carrollton, Texas, in the amount of \$7,013.73. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Jeff Pursley discussed late filed carrier remittances: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to accept Jeff Pursley's recommendation to open a complaint against Earthlink and TON Services for Late-Filed Carrier Remittance Reports, and to amend the current complaint NUSF-37.81 against Startec Global Licensing Company to include the late-filed First Quarter, 2006 worksheet. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

E911 DEPARTMENT

Joan Raffety updated the Commission on the most recent payment report.

NATURAL GAS DEPARTMENT

NG-0012.1 In the Matter of the Public Alliance for Community Energy (ACE), Lincoln, seeking additional authority as a Competitive Natural Gas Provider to serve the entire state of Nebraska. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter Assessment Order No. HSD-004. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NG-0033 In the Matter of RnD Energy, LLC, Boulder, Colorado, seeking authority as a Competitive Natural Gas Provider in the state of Nebraska. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter Assessment Order No. HSD-003. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NG-0034 In the Matter of Aquila, Inc., d/b/a Aquila Networks (Aquila), Omaha, seeking authority for Gas Cost Adjustment "Fixed Price Option Pilot Program" for residential customers in all Aquila rate areas in the state of Nebraska. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter Assessment Order No. HSD-003. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

P-0006 In the Matter of Aquila, Inc., Omaha, seeking resolution of a dispute under Neb. Rev. Stat. Sec. 57-1306: Laura Demman reported that the Supreme Court issued a decision upholding the Commission's order.

LEGISLATIVE REPORT

Angela Melton presented a summary of legislative bills that were enacted and action the Commission needs to take to implement the new laws.

TRANSPORTATION DEPARTMENT

B-1666 In the Matter of CABS, Inc., Sioux City, Iowa, seeking authority as a common carrier of passengers by taxicab over irregular routes between points in Cedar, Dixon, Dakota, Wayne, Thurston, Stanton, Cuming and Burt counties, on the one hand, and, on the other hand, points between said counties: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order denying the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

Rate Division

BR-313 In the Matter of Heartland Gondolas, Omaha, seeking authority to establish rates and charges: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was increased to 70 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-1883 In the Matter of Salem Grain Co., Inc., Salem, seeking a measure-up of grain in its facilities: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to grant the request. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Grain Dealer Division

GD-2907 In the Matter of Texas Merchandising, Inc., Blue Springs, Missouri, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending March 31, 2007: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

 Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Dept. of Corrections	\$	1,347.84
DAS-Materiel		3,382.50
Larry Fauss		800.00
Gerald Vap		931.84

 Upon agreement of all Commissioners, authorization was granted for Commissioners to attend the National Association of Regulatory Utility Commissioners (NARUC) Summer Conference to be held in San Francisco, California from July 29-August 2, 2006.

GENERAL ADMINISTRATION (Cont.)

Upon agreement of all Commissioners, authorization was granted for Jeff Pursley to attend the National Association of Regulatory Utility Commissioners (NARUC) Summer Conference to be held in San Francisco, California, from July 27-August 2, 2006.

Upon agreement of all Commissioners, authorization was granted for Scott Elston to attend the 2006 Motive Power & Equipment (MP&E) Recurrency Class to be held in Overland Park, Kansas, from May 15-19, 2006, with all expenses to be paid by the Federal Railroad Administration.

Upon agreement of all Commissioners, authorization was granted for Mark Breiner to attend the 2006 National Conference of State Transportation Specialists (NCSTS) Annual Meeting to be held in Birmingham, Alabama, from June 10-15, 2006.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to go into closed session to discuss personnel and investigatory matters. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. The Commission went into closed session at 10:39 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. The Commission returned to open session at 11:13 a.m.

The meeting adjourned at 11:13 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on May 2, 2006, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on May 1, 2006.

Chairman

Executive Director